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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/867,470 | 05/31/2001 | Hidenori Yokokura | 35.C15431 | 6870 |
| 5514 | 7590 | 10/20/2005 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | NGUYEN, DUSTIN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2154 | |

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,470

Applicant(s)

YOKOKURA, HIDENORI

Examiner

Dustin Nguyen

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 12 – 21 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/25/2005 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12, 13, 16, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuh et al. [US Patent No 6,463,474], in view of Chow et al. [US Patent No 6,029,175].

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5. As per claim 12, Fuh discloses the invention substantially as claimed including a network-connectable apparatus, comprising:

a judging device adapted to judge whether or not access by another apparatus should be restricted [i.e. determine whether client authorizes to access] [col 3, lines 65-col 4, lines 13];

a detecting device adapted to detect a predetermined request from the other apparatus [i.e. receive a http request] [Figure 4; and col 10, lines 12-24].

Fuh does not specifically disclose

a discriminating device adapted to discriminate if information corresponding to information cached by the other apparatus is updated, in accordance with the detection by said detecting device; and

a sending device which is adapted selectively to execute, in accordance with the judgment by said judging device, a first sending process of sending first information to the other apparatus in accordance with the discrimination by said discrimination device, or a second sending process of sending second information to the other apparatus regardless of whether updating has been discriminated by said discrimination device.

Chow discloses

a discriminating device adapted to discriminate if information corresponding to information cached by the other apparatus is updated, in accordance with the detection by said detecting device [i.e. compare the current version of the object to a version in the local cache to determine update] [Abstract; and col 59, lines 22-30]; and

a sending device which is adapted selectively to execute, in accordance with the judgment by said judging device, a first sending process of sending first information to the other

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apparatus in accordance with the discrimination by said discrimination device [i.e. the response of 200 or 304 status codes is returned from the server for status of the document] [col 19, lines 22-48], or a second sending process of sending second information to the other apparatus regardless of whether updating has been discriminated by said discrimination device [i.e. status code other than 200 or 304 is returned as error condition] [col 19, lines 49-65].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fuh and Chow because Chow's teaching would provide automatically retrieving changed documents previously accessed from network and internetwork servers [Chow, col 3, lines 59-64].

6. As per claim 13, Chow wherein said discrimination device makes its discrimination in accordance with time information included in the predetermined request [i.e. time field in the GET command] [col 10, lines 56-65].

7. As per claim 16, it is rejected for similar reasons as stated above in claims 12 and 13.

8. As per claim 20, it is method claimed of claim 12, it is rejected for similar reasons as stated above in claim 12.

9. As per claim 21, it is method claimed of claims 12 and 13, it is rejected for similar reasons as stated above in claims 12 and 13.

10. Claims 14, 15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuh et al. [US Patent No 6,463,474], in view of Chow et al. [US Patent No 6,029,175], and further in view of Hendren, III [US Patent No 6,353,855].

11. As per claim 14, it is rejected for similar reasons as stated above in claim 12.

Furthermore, Fuh and Chow do not specifically disclose wherein the second information is information for describing a screen image which indicates in the other apparatus the reason for the access restriction. Hendren discloses wherein the second information is information for describing a screen image which indicates in the other apparatus the reason for the access restriction [i.e. display status description includes text, graphic, video] [Abstract; and col 1, lines 44-col 2, lines 4]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fuh, Chow, and Hendren because Hendren's teaching of display status description would provide detail description of the error message to user for trouble shooting of networking problem in an easier and quicker manner.

12. As per claim 15, Chow discloses wherein said judging device makes its judgment in accordance with whether the network-connectable apparatus is under maintenance [i.e. return status codes like server error or server unavailable] [Figures 4 and 5; and col 4, lines 12-28].

13. As per claims 17-19, they are rejected for similar reasons as stated above in claims 14 and 15.

14. Applicant's arguments with respect to claims 12-21 have been considered but are moot in view of the new ground(s) of rejection.

15. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3968. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Dustin Nguyen

Examiner

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JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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